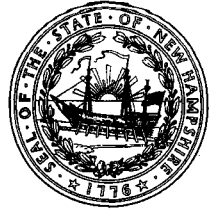




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

March 26, 2004

Mr. Ken Lehtonen  
San-Ken Homes, Inc.  
586 Turnpike Road  
New Ipswich, New Hampshire 03071

**CERTIFIED MAIL (7099 3400 0003 0688 2560)  
RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

**RE: Non-Conforming Open Burning**

Dear Mr. Lehtonen:

On February 20, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified by David Leal, the New Ipswich Deputy Fire Warden, that non-conforming materials had been burned at a house lot at 258 Ashby Road (the "Property") in New Ipswich, New Hampshire. Deputy Leal identified you as being responsible for the burning of non-conforming materials at the Property. Deputy Leal reported that you had been advised that debris from a demolished house on the Property could not be burned, but that brush and clean, untreated wood picked from the debris pile could be burned.

Deputy Leal reported that on February 20, 2004, you proceeded to burn a brush pile on the Property. However, this brush pile was placed too close to the demolition debris pile, causing the non-conforming material in the debris pile to ignite. When Deputy Leal responded to the Property, he observed the demolition pile on fire. Deputy Neal witnessed you attempting to pull non-conforming material from the debris pile and attempting to extinguish the fire in the debris pile.

On February 23, 2004, DES personnel conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and RSA 125-C. During the inspection, DES personnel observed and photographed charred plywood, charred furniture, a charred water-heater, charred shingles, assorted metals, cardboard, and wire and sheet rock in the burn pile on the Property. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.
- Env-A 1001.03(a) defines "brush" as tree tops, limbs, saplings and tree cuttings that are five inches in diameter or less.
- Env-A 1001.03(k) defines "untreated wood" as any timber, board or sawn dimensional lumber, which has not been treated, coated or preserved.

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink, appearing to read 'COPY' followed by a flourish.

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/jwr

Enclosure: Env-A 1001, *Open Burning*

cc: M. Harbaugh, DES Legal Unit  
R. Kurowski, EPA Region 1  
B. Simpkin, DRED Forest Fire Ranger  
Chief R. Hewitt, New Ipswich Fire Department  
D. Leal, New Ipswich Deputy Forest Fire Warden  
Chairman, New Ipswich Board of Selectmen  
AFS # 330119777